

**REMARKS/ARGUMENTS**

All claims were rejected for double patenting over corresponding claims of U.S. patent 6,303,347. This was appropriate, as the claims were not changed in the filing of the present continuation-in-part application.

Claims have been amended to call for pharmaceutically acceptable salts of compounds, and correspondingly for compositions and methods calling for such salts, and for solid compositions of the active compounds, none of which are specifically claimed in the '347 patent.

Claim 1 also has been amended to delete "normal" as a modifier for the term "fatty acyl residues". The word "normal" typically implies a straight-chain and/or saturated hydrocarbyl group, but the specification states (p. 5 lines 13-16) that unsaturated acyl residues are within the concept of the invention. To avoid lack of clarity, "normal" has thus been deleted from the main composition claim but has been included in new dependent claim 37.

Claims have been added to solid compositions of the originally claimed compounds and to compositions of these compounds having a solid carrier. Support for these claims is seen in the specification at page 5 line 18 through page 6 line 26, which describe a number of solid formulations and carriers. Support for claims to salts in general and to lyophilized salts in particular is seen in the examples, for instance example 28(4), p. 82 lines 10-11, which describes the preparation of such a lyophilized salt. Many of the examples show preparation of compounds in the form of their triethylammonium salts, as white powders. The examples showing activity indicate, for instance by use of the "B" designations given the compounds in the preparation examples that the salts that had been prepared in the examples were used carrying out the test treatments.

Claims have been added to salts of compounds in which R<sub>1</sub>-R<sub>3</sub> are normal C<sub>6</sub>, C<sub>10</sub>, C<sub>14</sub> or a combination of C<sub>6</sub> and C<sub>10</sub> fatty acyl residues. These are deemed supported by compounds in Table I. In particular, compounds B35-B41 contain mixtures of C<sub>6</sub> and C<sub>10</sub> fatty acyl residues.

Support for the above-mentioned claims is not necessarily present in the specification *in haec verba*. However, it is clear from the portions of the specification just mentioned that such

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salts and compositions are fully within the concept of the invention as possessed and as contemplated by the inventors.

The claims as now amended no longer define the same invention as those of the patent. However, Applicants recognize that at least some claims may define an invention that would be obvious from claims of the '347 patent. If such is the case, and the claims are otherwise allowable, Applicants would be prepared to submit an appropriate terminal disclaimer.

Applicants note that the Examiner has not returned an initialed list of the references submitted with the Information Disclosure Statement mailed in October, 2001, and respectfully request that this be done in the next communication.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,  
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